The Pittsburgh Gazette

Vol. XVII. *Friday Evening*, September 10, 1802. No. 836

PITTSBURGH: PRINTED BY JOHN SCULL, *IN FRONT-STREET, NEXT DOOR TO THE CORNER OF MARKET-STREET.*

Terms of Subscription for the PITTSBURGH GAZETTE.—*Two Dollars a year—One Dollar to be paid at the time of subscribing, the other at the end of Six months, if demanded [When sent by post the postage must be paid in addition, at the Post-Office where the papers are left.]*

ADVERTISEMENTS—*not exceeding a square inserted three weeks for One Dollar, and every continuance after 25 Cents.—Those of a greater length in proportion.*

Sheriff's Sales.

BY virtue of fundry writs of vendition exponas iſſued out of the Court of Common Pleas of Allegheny county, and to me directed, will be expoſed to Public Sale at the Court Houſe, in the Borough of Pittsburgh, on Monday the 27th day of September next, the following real eſtates, to wit.

A lot or piece of ground, No. 186, and tenements, ſituate in the town of M'Kee's Port, adjoining Second ſtreet, Walnut alley, and lot No. 185. Seized and taken in execution as the property of Auguſtine Leaphart, at the ſuit of Hugh H. Brackenridge.

Alſo, four hundred acres of land, more or leſs, on the waters of Slippery Rock, ſixty acres cleared, eight of which is meadow, with a log houſe and barn, bounded by lands of Robert Reed, John Shields, and Alexander Wiley.—Seized and taken in execution as the property of Adam Funk, at the ſuit of James and William Miller.

Alſo, one hundred acres of land, more or leſs, ſituate in Pine township, adjoining lands of John Fowler, Eſq. Jacob Dixon, Thomas Rogers, and Depreciation land. Seized and taken in execution as the property of John Curry, at the ſuit of Samuel Jones.

Alſo, the right, title and intereſt of Emanuel Hoover, jun. in about 300 acres of land, ſituate on Pine creek, held in joint tenancy with Evan Caſſina. Seized and taken in execution as the property of Emanuel Hoover, jun. at the ſuit of Jeremiah Barker.

Alſo, one reſerved acre lot, adjoining M'Kee's Port, on the Youghiogeny and Monongahela rivers, on which is a warehouſe; alſo, lots 97, 98, 99, 100, 101, 165, and 199, in M'Kee's Port. Seized and taken in execution as the property of John M'Kee, at the ſuit of David Colhoon.

Alſo, two hundred acres of land, ſituate in the ſecond Donation District, adjoining lands of William Nicholſon, William Lock, Jas. Sharp and other Donation land, within one mile of Harland's mill on Slippery Rock. Seized and taken in execution as the property of Garret Covert, at the ſuit of George Bowers.

Alſo, a certain piece or parcel of land in Middleſex township, on the waters of Big and Little Conequenessing creeks, containing 200 acres, be the ſame more or leſs, adjoining land of Abraham Fryer and William Freeman.—Seized and taken in execution as the property of James Carſon, at the ſuit of Robert M'Gill, aſſignee of John Clows.

WILLIAM WUSTHOFF, Sheriff.

Pittſburgh, Auguſt 30, 1802.

BY virtue of a writ of venditioni exponas iſſued out of the Court of Common Pleas of Allegheny county, and to me directed, will be expoſed to Public Sale at the Court Houſe, in the Borough of Pittsburgh, on Monday the 27th day of September next,

The right of dower of Suſannah M'Kee in the tract of land of 285 acres, more or leſs, adjoining M'Kee's Port, William Lewin, William Thompſon, John Sherer, and the Monongahela river. Seized and taken in execution as the property of Suſannah M'Kee, at the ſuit of Hugh Henry Brackenridge.

WILLIAM WUSTHOFF, Sheriff.

Pittsburgh, Auguſt 30, 1802.

Came into the incloſure of the ſubſcriber, living in Deer township, Allegheny county, on the 20th of April laſt, Three Sorrel HORSES, one of them a Bay, 11 or 12 years old, branded I. R. on the nigh buttock, blind in the off eye; one Sorrel Horſe, with a bell on him with a rope, between 3 and 4 years old, ſhod before, and has a ſmall ſtar in his forehead; alſo, a Black Mare, between 3 and 4 years old, ſhod before, and a ſmall white ſtar in his forehead. The owner or owners is deſired to come, prove property, pay charges, and take them away.

ISAAC LEFEVER.

July 1, 1802.

THE SOLEMN PROTEST
OF THE
Honourable JUDGE BASSET,
Of the State of Delaware,
Against the late Acts of Congress,

Which go to proſtrate at the feet of faction, the Judicial Department of our Government, and through it, that Charter of our Liberty and Independence, the Federal Conſtitution.

(Concluded from our laſt.)

BUT, as I have before ſaid, thus is it written in the charter of government. If the people can be perſuaded, that in creating an INDEPENDENT JUDICIARY they have no ſecurity; if, on experience, they ſhall find the courts too inconvenient, or the judges too expenſive, the remedy is plain and expeditious. Let amendments be propoſed in the manner provided in the fifth article of the conſtitution. They can be obtained, if ſuch is the real wiſh of the people, almoſt as ſoon as the paſſage of an act of congreſs.

Until recourſe is had to this method of abolishing exiſting Judicial offices, I am bound to ſay, that no judge can be deprived of his office, but on impeachment for and conviction of miſbehaviour in office. Until then he remains cloathed with inviolability, the independent and fearleſs expounder of the laws, and the guardian of the conſtitution.

It has been ſaid, that what is created by law, may be abolished by law: that the power of the legiſlature muſt be the ſame to both purpoſes; and therefore as the judicial offices in queſtion aroſe out of the law of Feb. 1801, a law of March 1802 may repeal or extinguish it.

This would be true, if Congreſs was an abſolute legiſlature poſſeſſing power without control.

But congreſs is the agent and creature of the conſtitution; like the executive and judiciary, it muſt act within the bounds preſcribed to it by the fundamental law.

The Conſtitution is a charter of grants and reſervations. It grants to the Legiſlative power the right of creating judicial offices, but it reſerves the right of fixing the duration of thoſe offices when created under the Conſtitution. It has, in fact, preſcribed their duration. As ſoon as Congreſs have executed their power of eſtabliſhing the court and the officer is appointed, the proviſion in the Conſtitution reſpecting his continuance attaches upon their law. It is identified with it; and ſecures the office to the poſſeſſor by its own immutability.

Nothing appears more obvious. It would be eaſy to ſhew, that a Legiſlative Body, acting under the controling proviſions of a ſtanding and fixed Conſtitution, may often poſſeſs the power to create or grant by law, and yet by no act afterwards can Repeal or abolish the intereſt or office ariſing out of the firſt law. The Senators from each ſtate may be and frequently are appointed by law; yet a repeal of the law by the ſame Legiſlature, and even another law appointing a ſubſtitute, would not abolish the firſt office. The repeal and the new appointment would be void: becauſe the Conſtitution annexes to the firſt appointment the term of office, and the officer will hold for his ſix years, however much diſſatisfied the Legiſlature, which made the law, may be with the officer.

By the 2d. Art. of the Conſtitution, it is provided, that Congreſs, in caſe of a vacancy in the offices of Preſident and Vice-Preſident, "may by law, declare what officer "ſhall then act as Preſident, and ſuch officer "ſhall act accordingly until the diſability "be removed, or a Preſident ſhall be elected."

In this caſe the office is filled by a mere Legiſlative Act; and yet, in virtue of the expreſſion in the Conſtitution, that the officer ſo appointed "ſhould act accordingly, until the diſability be removed &c," it will be admitted, that Congreſs would not have the power to repeal ſuch Law, or to appoint, by a new Law, another perſon to exerciſe the powers of Preſident.

It may be remarked here, that the words of "tenure" in regard to this officer to be appointed by Law, are not ſo ſolemn and expreſs as thoſe words in the Conſtitution reſpecting judicial officers created under a Law of Congreſs.

Many other inſtances might be put, which readily ſuggeſt themſelves to the mind, where Legiſlative creation is not followed with right or power of Legiſlative repeal or extinction.

The repeal of laws, under which grants have been made, and intereſt veſted, would not reſcind the eſtate, or benefit, even though no conſtitutional ſecurity exiſted in favour of the donne or gantee.

And however prejudice may be wrought upon, or ignorance decided, the grant of an office and ſalary, under the law and conſtitution, is equally ſacred and inviolable as any other intereſt which can be conveyed by one party and accepted by another.

And when it is conſidered too, that this covenant, between the Government, and the officers, is founded on the great political principle, of maintaining an INDEPENDENT JUDICIARY, the contract ſhould derive from thence a ſuperior ſanction.

The caſe of other officers, who do not accept appointments under any particular terms of continuance in office, is widely different. They take and hold at the will and pleaſure of the Preſident or Congreſs. This is known to them at the time.—The conſtitution has not fixed the conditions or duration of ſuch offices; and of courſe, being created by the mere will of the Preſident, or by Congreſs, may be abolished by the ſame power.

And yet if the poſition be true, that judges have no more permanent intereſt or eſtate in their offices and compenſations than others, it follows, that thoſe words in the Conſtitution, "that they, when appointed, ſhall hold their offices during good behaviour, and ſhall receive for their ſervices a compenſation not to be diminiſhed," are wholly inſignificant. The Executive or Legiſlative may diſmiſs them, at any time, and for any cauſe.

But the truth is, that the proviſion in the Conſtitution is wiſe and neceſſary; and whether it is ſo or not while it remains there the office of a judge and the compenſation annexed to it, are fixed as a charter itſelf, if he continues to behave well.

The conſtitution announces, in expliciit terms, that he who is appointed judge, "ſhall hold his office during good behaviour, and receive a certain compenſation."

The Legiſlature, when they create the office, do it under this conſtitution. The perſon who is nominated and appointed by the Preſident and the Senate, receives a commiſſion under ſeal of the United States, in which he reads theſe expreſs words, "That he is appointed a judge of the circuit court of the United States, for the third circuit; and is authoriſed and empowered to exerciſe and fulfil the duties of that office, according to the conſtitution and laws of the United States:" and then follows words of abſolute grant, "To have and to hold the ſaid office, with all the powers, privileges and emoluments of the ſame of right appertaining—during his good behaviour."

With this commiſſion and grant in his hand; with the law of congreſs, creating the office and fixing the compenſation; to authoriſe it; and with the conſtitution of the United States before him, and poſitively aſſuring him, that the office and ſalary ſhall be holden by him during his good behaviour, he accepts it upon the terms offered. And ſhall he be deprived of both office and ſalary, the next month or year? or whenever the Legiſlature, who is but one out of three parties to this ſolemn covenant, ſhall be pleaſed to ſay, "you are no longer neceſſary or "agreeable; we can find judges to exerciſe "your office cheaper, or who will be more "ſubſervient to our wiſhes?"

If ſuch principles as theſe ſhall be finally ſanctioned by American judicatures, if the people, the moral, virtuous and dignified people of the United States, tempted by momentary paſſion, or parſimony, can be brought to ſanction them, then will language have loſt its meaning, and the moſt ſolemn and ſacred contracts made between the public and its citizens, their obligation.

The ruin of individuals and their families who may have ſurrendered comfortable livings, and loſt honourable and lucrative offices upon plighted faith of the United States ought to arreſt ſuch deſtructive tenets.

But the preſervation of political freedom itſelf is concerned in the rejection of ſuch doctrines. Let it once be decided by legiſlatures and courts of juſtice, that words mean nothing when applied to judges and their compenſations, and the conſtitution is at an end. They have equal right and power to ſay and when the temptation occurs will ſay, that they mean nothing in any other caſe. Surely it deſerves to be conſidered, whether the adoption of ſuch principles muſt not gradually impair all confidence in public morals beyond the reach of reformation.

It has been made a queſtion, whether the judicary can lawfully decide, that a legiſlative act is contrary to the conſtitution, and for that reaſon hold it void. It has been ſaid, that it muſt be obeyed; that the judges of the United States are bound to yield to it and execute it.

I deem it quite unneceſſary to range after proofs, ſhewing the error and danger of ſuch an opinion. Perhaps it no where exiſts.

This power can, however, be demonſtrated by a train of reaſons and conſequences, drawn from the nature of a limited legiſlature, and the peculiar province of a natural judiciary, in a manner incapable of refutation. It will be ſufficient for me, however, to reſt my anſwer to ſuch an objection upon the TERMS of the conſtitution, and the natural and neceſſary effect of them.

By the third article, and in the ſecond ſection it is declared, that the JUDICIAL POWER ſhall extend to all caſes in law and equity ariſing under the CONSTITUTION, the LAWS of the United States, and TREATIES.

Whenſoever, then, a cauſe ſhall be brought before the judges of the United States, wherein, on one ſide it is contended that a particular act of the legiſlative body is void, as being contrary to the conſtitution of the United States, and, on the other, that it is not contrary to it, that will be a cauſe ariſing both under the conſtitution and law of the United States; and of courſe, by the express terms of the conſtitution, falls under the judicial power.

By the ſixth article, it is expreſsly provided and declared, "that this conſtitution and the laws made in purſuance thereof, &c. ſhall be the ſupreme law of the land." Hence it follows that the conſtitution is the ſupreme law, and the particular acts of the legiſlative body are only ſupreme when made purſuant or in conformity to that, which is the fixed and overruling STATUTE enacted by all the people, and only to be changed, altered, or oppoſed by the power that made it.

If then the conſtitution is the ſupreme law, the judicial department, in whom is veſted, by the ſame inſtrument, the right and duty of expounding and inforcing the law, muſt neceſſarily be governed by it.

Whenever any queſtion, however or wherever, it may originate comes before the judges they muſt decide according to law.

If the controverſy happen to turn upon the oppoſing terms of the legiſlative body, ſtill the judges muſt decide, and decide according to law.

The Executive or legiſlative may err; they may, like other men, from inadvertency, from error of opinion, from ſome too prevalent bias or from deſign, commit an unconſtitutional act. Every citizen, and every ſtate is entitled to the benefits of the conſtitution, which is declared the ſupreme law, and the judicial power of the United States is that organ and independant branch of the government whoſe duty and right it is, to pronounce and execute the law.

Whenever a queſtion ariſes, which is the law? whether it ariſes out of doubtful or conflicting acts of the legiſlature; or between the words and proviſions of the Legiſlative, the judicial department decide the controverſy.

If one ſide inſiſts upon the act of Congreſs, and the other upon the act of the people, as contained in the conſtitution, the judges are required, by the nature of their office, by a poſitive oath and by expreſs articles in the latter inſtrument, to ſupport it as the ſupreme or governing law; and to reject and declare void whatever is contrary to it, in the act of the Legiſlative body, or other authority, ſubordinate to the Conſtitution.

It can be ſaid, that the judges may err and determine meaſures and acts to be contrary to the conſtitution which are not ſo.

Certainly the judicial department may decide wrong. All human tribunals are liable to error. The executive may err, and the legiſlative often err. But there muſt be

somewhere, power to determine what is the law of the land, and thereby to settle and quiet, whether right or wrong, legal rights and constructions. Force and the sword, or some CIVIL JURISDICTION must finally adjust these domestic controverses.

Wise and free people, with free forms of Government, have confided this important but essential power to their JUDICIAL institutions.

They endeavour to compose those institutions of their most experienced and learned men.—These they render permanent in office and insure to them fixed and adequate compensations whilst they behave well. In short render them independant of hope or fear; and as free from undue influence, as the lot of mortality will admit. They subject them to trial, loss of office and disgrace for misconduct. With so many public precautions to ensure wisdom and perfect rectitude, and with so many motives operating upon the judges to act well, human society can frame no higher security for the preservation of justice and the laws. Error, with all these guards against it, may, possibly, after every grade of revision and appeal, be ultimately sanctioned by the SUPREME COURT of the union. This will indeed but rarely happen, yet, because there must be some umpire, to settle "what is law" the judicial branch, in the last resort, is that which decides without appeal.

The people, indeed, by a constitutional act may, if the occasion demands it, correct an error even here. But until then, every department, every officer, every citizen of the United States, is bound to yield to the sentence of the judicial department, judicially declaring what is the law.

If we look only into the Constitution for one moment, see the various checks and limitations upon legislative power and, in favour of the states and citizens, all declared to be the supreme law of the land, and consider, for a moment, the nature of the judicial power, to which is expressly delegated the right of deciding all questions arising under the constitution and laws of the United States; and that without this power in the judiciary to extend to the states and citizens the benefits of the constitution as a supreme law, they can only be obtained through force and blood; no rational doubt can be entertained, that it is the right, and indeed the highest duty of the judges, if convinced that a law of Congress is opposed to the laws of the people, as enacted in the constitution, to pronounce it, for that reason, a nullity and void.

These are my views of the judicial power. I never entertained the least scruple upon this point; considering it as clear as the constitution itself. Judicial determinations, too, of the highest authority, have placed this question, or ought to have placed it, at rest. On the pension law, the judges of the supreme court agreed, that it was unconstitutional, and Congress, acquiescing in the determination, repealed so much as was by them held void.

On the carriage tax, the question was brought, by a citizen of Virginia, before the supreme court, on the very point that the law was unconstitutional. The Judges determined it was not contrary to the constitution; but their power and right to determine otherwise were never questioned, and they affirmed the law, not on the ground that they were obliged to execute a law of Congress but, on the principle of its conformity and being pursuant to the constitution.

These are the general grounds and reasonings upon which my judgment is founded that the acts, of congress of the 8th March, and 29th of April 1802, do not abolish the offices of the judges, under the law of the 13th of February, 1802. I hold those acts, so far as they are designed to abolish the offices of those judges, void, because directly contrary to the constitution of the United States, which established them in the judges when once created and vested, during their good behaviour.

I feel myself called upon, in this place, to notice an opinion which some entertain, who hold, that congress, by no act, can deprive a judge of his judicial capacity, and the salary annexed to his original office: But that Congress may abolish the particular court of which he is the judge and transfer the judicial powers which were exercised in that court, to any other existing courts and judges of the United States: or may create other courts of the same or different name and territorial limits, and vest the same powers in these courts, to be composed of newly created judges, or judges already appointed, belonging to any other court of the United States.

That Congress can, by no lawful means, deprive a judge of his judicial capacity, or commission, and if by their act, and not by his own neglect, refusal or misbehavior, he is left without any judicial services to perform, they are bound to pay him the stipulated compensation, unless he voluntarily relinquishes it, cannot well be doubted by any, who takes the constitution as a law, or moral obligation for a principle of human action. And so far I agree in the foregoing opinion, that the commission to hold such a court remains, and the salary annexed to it: But the Constitution of the United States by that clause which secures to judges their offices during good behaviour, was surely designed to answer much higher purposes than merely to entitle him to the name and technical qualities and capacities of a judge, and to the compensation stipulated between him and the public.

It was plainly and principally designed to secure to him the substantial exercise of the judicial powers and rights annexed to the office, at its creation: but beyond that, the great and important end of the provision was to render the judge INDEPENDENT of legislative and executive power, for the benefit of the people and the states, in the administration of the laws.

Once abandon this ground, and allow that Congress may strip the judges of the courts of the United States of all their judicial powers, by abolishing the courts which they are commissioned to fill, and by giving the whole of their jurisdiction to other courts and judges, (provided only the capacity of judge and the salary in virtue of that, and the contract is continued) I say, once establish this, and the most important and most obvious intent of the Constitution is defeated.

The judiciary is completely, and if the foregoing opinion be true, constitutionally dependent on the will of the legislative department. If a judge or any set of judges, become obnoxious, because they will not bend to the dominant party, or execute acts however opposed to the Constitution, and they may be removed from the exercise of their offices, and their powers be lawfully transferred to others, it is in vain to talk of an independent judiciary. Successive legislatures will find or make judges to answer their views: and those who are dismissed (as in the case that has happened) may not only be left without any judicial powers of office, but even without subsistence itself!

It is said, in the Constitution, "that courts shall be established, and that the judges both of the supreme and inferior courts should hold their offices during good behaviour."

What is meant, what can be meant by this, but that when courts are established and judges are appointed for those courts, those judges shall have a right, and are vested with an indefeasible power, during their good behaviour, to hold courts and to exercise in them, some judicial powers.

Can it be seriously contended, that the judges, under the act of the 13th of February, 1801, do "hold the office hereby created and expressly granted to them in their commissions, within the meaning of those words in the Constitution? when at the same time, it is maintained, that all their courts are rightfully abolished, and all the judicial powers annexed to those courts, in their creation and every action and proceeding in those courts, rightfully transferred to other courts of the same name and nature, and composed of judges who are to execute those identical powers.

"Holding their offices" according to the manifest intent of the Constitution, in my apprehension, means nothing short of the full right of continuing in, and exercising, the judicial powers attached to the court they compose.

If we execute those powers, we hold the office. If others execute them, they hold the office. The only question is to whom of constitutional right, does it belong to execute them?

Those who maintain the great and salutary principle of an independent judiciary, resulting from the constitutional tenure of office during good behaviour, and who are not prepared to resign it for an empty name, must, I apprehend, be brought to this, as the only sound and satisfactory conclusion; "That the judges of a court once ordained and established by Congress, have, in virtue of their office, and as essentially constituting the office itself, a vested title, under the constitution, to hold the court and exercise the judicial powers attached to it."

I deem it superfluous to consider what Congress may or may not do lawfully in modifications and amendments, by altering the sessions, varying territorial limits of jurisdiction, changing the style of courts and judges, adding to and diminishing the stock of judicial powers and duties in the same court.

If it is said, that should it be construed that the office of a judge "consists in an exclusive right to exercise all the judicial powers" attached to it, in its creation and no others, this might prove inconvenient; I answer, that if this is the sound construction, or the one attended with the least bad consequences, inasmuch as it complies with the words of the constitution, and maintains the independence of the judges (its favourite object) it ought to prevail, leaving the inconveniences, if they exist, to constitutional and not to legislative amendment.

In practice it has not been found necessary to make any essential changes or alterations of jurisdiction in civil or criminal cases of legislative commission, which attached in the courts of justice hitherto established.

But it need not be contended, that the legislature are prevented under the construction which I give to the constitution in this particular, from adding to, diminishing, or altering the judicial powers, and duties of the established courts. The offices of the judges will not be destroyed; they will still "hold their offices," provided they hold courts and exercise judicial powers. If it be said, that this being admitted, Congress may, if so disposed, as effectually reduce the offices of the judges and their independence, by circumscribing their limits of territory and subjects of jurisdiction, to a mere sound; or by imposing impracticable duties, drive them from office; I answer, that such open abuses are not to be presumed, and when they happen, the act producing them would be void. It would be a fraud on the office of the judge, and on the constitution, and would be held up so by all judges bound to support the constitution as the supreme law.

The line which divides rightful authority from abuse of it, so as to become unconstitutional, cannot and need not be defined or conjectured. When the occasion furnishes ground for the question, the judges will exercise a judicial discretion upon it. There can be no other or safer criterion.

But, to whatever length or extreme of abuse an act of Congress might lawfully go in this particular, still, however, leaving to the judges and courts the exercise of judicial powers, what I contend for is, that a law which abolishes the courts and all the judicial powers of one set of judges lawfully appointed, and transfers to new courts, and to other judges, the same judicial powers, leaving the first without any official rights, or provision for their salaries, is unconstitutional and void. Such a law or laws carry on the face of them indubitable signs and evidence of a design in the legislature to take away from the first judges their offices, and are therefore manifestly contrary to the letter and spirit of the constitution.

Such an act made and operating against the words, the true intent, and obvious policy of the constitution, is not to prevail.

The judges, to whom the same office, in effect is transferred will not accept the legislative commission, nor, by executing the act, participate in the overthrow of the constitution. Taking that as the supreme law of the people they are bound to reject, as void, every measure which if carried into effect by them would directly or indirectly defeat any of its provisions.

The abolition of the courts and the exercise of all the judicial powers of the judges, and the deprivation of their salaries, furnishes a case which seems to involve no question of "degree," to which the legislative body may rightfully invade the offices of the judges.—It attempts to abolish both office and judge entire. The true question is, whether such an act, with such intent and operation, is not unconstitutional?

The judges who are called in to execute such an act in any way, are bound to consider, whether it was constitutional. If they are of opinion it was not, then they are to refuse any co operation, which would effectuate or tend to effectuate, the consequences and designs proposed by the prohibited act of the legislature.

The repealing act of the 8th of March, 1802, of itself, designing to abolish the courts and judges created by that of February, 1801, was prohibited by the constitution: it was void, and the judges still retain their rights of office.

The judges designated to execute the repealing act of the 8th of March, 1802, and the amending act of 29th of April, 1802, or, in other terms, the judges called upon to resist and sanction the usurpation and illegality, if such is the opinion they entertain of those acts, must necessarily refuse to participate or aid in their design and consequences.

It has been said, that the act of February, 1801, in as much as it abolished the circuit courts under the act of the 24th of September, 1789, justifies the opinion, that Congress may abolish courts and transfer all the judicial powers and jurisdiction of those courts, to newly erected courts of the same nature, to be composed of newly appointed judges.

A short and decisive answer presents itself. The cases are dissimilar.

No judges were ever appointed and commissioned to exercise the judicial powers and duties attached to the first circuit courts. These were performed by the judges of the supreme and district courts, who were directed to hold them by law, having no executive commissions as judges of those courts.

Congress, in abolishing those courts, abolished no judges or offices. No judicial tenure of office was in the least affected. The judges of the supreme and district courts still continued in possession of their proper respective courts and salaries. They merely officiated in the circuit courts, under a kind of legislative commission, which attached these duties to their proper and distinct judicial offices. Congress might, of course, lawfully discharge them from those duties, leaving them in full possession of their original jurisdictions. Should all the judges of a court die or resign, Congress, by abolishing such courts would affect no judicial tenure of office. The circuit courts of 1793 were in a similar case. No judges belonged to them, or exercised the judicial powers in right of constitutional office during good behaviour. The abolition, therefore, of these courts was unattended with any invasion of judicial office or compensation. As to the abolition of the district courts of Tennessee and Kentucky by the act of February 1801, that neither, if properly viewed, will justify the attempt which has been made to abolish judges and their offices.

The act does not abolish a single judicial power before exercised by the district judges. It increases their powers and also their salaries. It does not abolish their judicial offices but continues them in the full exercise of their rights and duties, as judges. It preserves to them their official name of district judges. The only essential operation of the act was to change the name of the courts, in which they were to exercise their offices, with some territorial alterations and regulations, tending to render the exercise of their offices more convenient.

It is not presumed that the name of a court is unchangeable, or that any other alterations may not be made, consistent with the holding of the substantial rights of office and compensation annexed to the judge at his creation.

After these observations, it remains only, that I should conclude with a distinct exhibition of my opinions, resolutions, and motives.

And First: For the reasons assigned, I maintain, as my deliberate, solemn, and judicial opinion, that the acts of March and April 1802, designing and operating substantially to abolish the offices and salaries of the judges under the law of the eleventh of February, 1801, are so far unconstitutional, and for that reason void. And further, that the judges of these courts respectively do of right still "hold their offices," as at first.

Secondly, nevertheless, those acts of March and April, 1802, create many impediments which oppose the execution of our offices.

The discontinuance of our compensations, the destruction of our sessions, as to time and place, the privation of officers, and other evident embarrassments occasioned by the operation of those acts, on subjects of mere legislative organization, must create a suspension of the exercise of our powers of office until Congress shall by law, provide the means necessary to their execution. We shall respectively stand acquitted, under such circumstances, if no attempt is made to hold our Courts, which might be productive of disorder unseemly conflict and error.

Should the opinion herein delivered, on this important question, finally prevail, no doubt can be entertained, but that the legislative body will, with alacrity and good faith, pass such laws as may cure the discontinuance of the courts and enable them to resume their usual and constitutional functions.

Thirdly: In the interim, I hold it my bounden duty to claim the office thus appertaining to me, and publicly to PROTEST against the acts of all persons and authorities, who are designated by the laws of the 8th of March and 29th of April, 1802, who may in any wise interfere with, or prevent, or tend to prevent, the restoration and full exercise of my office, as one of the judges of the circuit court of the United States for the third circuit.

Fourthly. In circumstances so peculiar, and in a case of such magnitude, I conceive it an obvious right to give publicity to the foregoing opinion and reasons.

The judges under the act of Feb. 1801 have been left without any other means of declaring and making known their sentiments and claims.

To those who know the course of my life, the time at which it has arrived, and the principles which professedly (and; trust really) govern it, will acquit me of any views inimical to the peace of my country, or to its constitued authorities I have spent the best of my years in efforts, at least, to attain and secure true civil liberty; and the stations I have filled, by the favour and confidence of my fellow citizens, have afforded me the highest opportunities, in public situations, of being useful to the extent of my humble abilities, yet the act which I shall now subscribe is far the most important of my life, with reference to human obligation.

If any difference in opinion, between me and my associates in office, exists, it relates merely to the point of time, for expressing our sentiments, I can confidently, assert that on deliberation, they coincide with me in other respects.

But whatever deference was justly due to the ideas of others, my own conscience and judgment, after weighing every consideration, dictated the present line of conduct.

I have delivered my thoughts for the benefit of those who are called to reflect on this interesting subject. They are feebly expressed; perhaps erroneously conceived; they are however sincere.

My most ardent wish is that the termination of this conflict may produce safety to our country and CONSTITUTION.

I have done, what I deemed a sacred duty in support of that constitution. I have done it now, because my life may not be spared till to-morrow.

I commit all to those who must ultimately DECIDE, satisfied that honour, intelligence, and independence will guide and sanction their judgment.

RICHARD BASSETT.

Dated at Bohemia, the 14th day of August 1802.

PHILADELPHIA, *August* 30.

By the Revenue Cutter, capt. Ham, we are informed that on Friday last he spoke a brig bound to Fredericksburg, 62 days from Marseilles, the capt of whom informed, that the day before he sailed, the U. S. schr Enterprize arrived there, after an action with a Tripolitan vessel, which he beat off. The vessel made her escape by her oars, it having fallen a calm. The particulars we are not at present able to learn.

Norfolk Herald.

At the commencement of the late war, France had 80 vessels of the line and 64 frigates, and England had an 100 vessels of the line and 133 frigates.—Now, England has 202 vessels of the line and 237 frigates, and France has 39 vessels of the line, and 33 frigates.

FRANKFORT, (KEN.) *August* 11.

Extract of a letter to the Editor, dated St. Vincennes 28th July 1802.

"I have just returned from eight weeks tour through the Indian country. I was across to the Mississippi and Missouri, and up the Illinois river nearly to its source. The country has a charming appearance, a little wavy, and the whole completely overspread with a thick growth of high grass: in a little time it will be generally as high as a man sitting upon his horse, and frequently higher: From the Little Wabash, sixty miles to the west of this town, to the Mississippi, up to the Onisconsin river, across to Lake Michegan, and on to the head waters of the Wabash and White rivers, at least nine tenths of the whole country is prairies, or natural meadows. Fencing and building timber can scarcely be obtained; though I observed beautiful groves of walnut, oak and cherry, along some small creeks and rivers. Whenever the country is settled, ditching and hedging must undoubtedly be adopted as a substitute for rail fencing—I make no doubt but this country affords a growth that will answer very well for hedging. There is likewise a scarcity of water, especially for mills; but steam mills may be erected with ease.—Wherever the country is known, an abundance of good coal is found; there are large banks of it on the Kaskaskias Vermillion, Illinois, and other rivers.—Coal will be a fine substitute for wood, with regard to fuel. Good malleable copper has been found on the Vermillion and Ouincau; the former a branch of the Wabash, and the latter of the Illinois.

The Pittsburgh Gazette.

FRIDAY EVENING, *September* 10, 1802.

*** Those persons in arrears for subscription for the Pittsburgh Gazette, are particularly requested to make immediate payment. The repeated calls heretofore made have been but partially attended to. The Editor hopes that those who know themselves in arrears, will either pay the balance due to the Post-Masters at whose Offices their papers are left, or transmit it to him. If this request is not attended to, the most summary means will be pursued to compel payment, for it is only a waste of paper and time to supply subscribers who do not pay.

A number of the principal Sachems, Chiefs and Warriors of the Seneca Nation of Indians, from Buffaloe's Creek have visited this city last week; and we are informed have concluded a Treaty with this state, by which they cede their Title to all the lands reserved along the Niagara River from Buffaloe's creek to Stedman's farm, including Black Rock. This is doubtless a great acquisition to this state, as well as to the United States, not only on account of the value of the lands, but also as it secures the Carrying Place at the Niagara Falls, and the most advantageous situation for establishing a miltary Post to guard that important pass.

Another object in the Chiefs in visiting our Seat of Government, we are informed, was to intercede for one of their friends, an Indian, who it is alledged has unfortunately killed a white man, and which has produced some agitation in that quarter—These Indians state, that *five* instances have happened since the peace where Indians of their Nation have been inhumanly murdered by the white people, and that in no instance have the perpetrators been punished for these crimes, and this is the first instance on their part. This fact is undoubtedly true. They say they have been assiduous in cautioning their young warriors to guard against evils of this kind, and they should therefore think it cruel if their brother should suffer death for this act, especially as it is said to have been done unintentionally under the influence of intoxication and passion. They wished if possible that he might be admitted to bail, stating that imprisonment to an Indian is worse than death. They considered this as a reasonable request, and which they had been induced to believe might be granted consistent with our laws. This however could not be done. They have certainly acted with great candour and magnanimity in delivering up the accused, who is a near relation of one of the principal chiefs, and belongs to one of the first families in the nation.

Although the Chiefs could not obtain the full object of their wishes in the present instance we are told they have returned to their nation perfectly satisfied with the treatment which they received from our Executive, and with the assurances he gave them that their unfortunate brother would be treated with every degree of lenity and humanity which the mildness of our laws admit.

Alb. Gaz.

Mr. SCULL,

SOME sensible observations of a plain man who meddles not with politics, in your last paper, caught my attention. I thought them well worth serious reflection, and I hope all moderate men will lay them to heart, and though I have but little time from the business of my plantation to spare for things of this kind, they set me on thinking farther on the state of our country, and made me trouble you with a few of my thoughts. I am one of those whom he calls moderate men, and think I have the public good honestly at heart, and that there are many like me in both parties, that do heartily wish the union of all to resist the violent and selfish intriguers. Why should we make ourselves catspaws to the ambition or extravagance of others? We are numerous enough if we would rouse and unite to put them to silence, and teach those noisy and busy men to know their own places, and let us act for ourselves as we used to do. If long residence in this country gives one a right to speak and act for himself, I was born in it, and am old enough to have seen all the dangers of our revolutionary war, and to remember many things which many of those busy men never saw and perhaps never heard of. And though I like well enough to see men coming among us from foreign countries (if they bring a good character along with them) and make them heartily welcome to a share in the blessings of our free government and the common good things which our country affords, and which may be got by honest industry without busying themselves with politicks, and may make them content and happy without any public office; I do not thank them for setting up to give us lessons for governing the country before they are well warm in it, and instructing us in changing things which were established before they saw it.—Neither do I think it decent in our own young lads to seem wiser than their fathers and thrust them off the stage before they have run half their course; to be setting up their own raw notions instead of our experience; and professing politics when they ought to be learning the Shorter Catechism or Cocker's Arithmetic.

Indeed, when I look a few years back and consider who had influence among us then, and look round me now and see who are active and influential at this day, I seem to have got into a new country, and as if I had been transported into a foreign land, and had not lived all my days at home. Instead of our old substantial farmers, men of experience, who had learnt their wisdom in the school of hard times, instead of men of ripe skill in the science of government, with their wits sharpened by practice, I see a set of sunshine politicians floating over the country thick as midges in a summer evening, raw lawyers that have scarcely finished their pages of Blackstone but already fancy themselves Judges, and journeymen whose ambition appears to extend no higher than a militia Ensign's commission, but look forward to be Major Generals and members of Congress. Indeed, indeed, Mr. Scull, I cannot think that any good will come of this, or that we can expect good management of our public affairs unless they be put in the hands of sensible and experienced men. If any serious trouble should come upon us, would we look to these men for help?

Far be it from me to speak or think ill of any man. But when I see men loud in professions of love for this country while they hate that in which they were born and bred, some of the most strenuous advocates for liberty among those who are in hourly danger, of imprisonment for debt, and some of the most zealous defenders of property among those who spend in the tavern what ought to clothe their children, I cannot help suspecting that all is not right, and that something more is meant than is avowed by such professions.

I am for trusting our public affairs with men of known character and property. I know there is a jealousy of rich men as if they would oppress the poor. When I look at those men called rich I find they have as many wants as I. If they have great incomes, they have great outgoings, and I see them as often wanting money for what they call necessities as I or any other man who has industry to earn and prudence to keep within proper bounds. When I see this, I do not envy them, for I think myself as well off as they. Neither do I fear that they will oppress me, for they can lay no burden on me which they must not take a proportional share of themselves, and if they have much property, their proportion will be the heavier. We have greater security for the good conduct of men who have a deep stake in the well being of the country by their estates and large families, than in men who have less. And men who have gained a character for good sense and great knowledge will not only better know how to serve us well, but will be more afraid of serving us ill, because they will be more ashamed of any thing that is wrong.

I have given you my sentiments as well as I can, and submit them to the consideration of every FARMER.

William Woods & Co.

Beg leave to inform their friends and customers that they have just received a handsome and general assortment of

MERCHANDIZE,

well adapted to the present and approaching season. Their moderate prices and attention to business, they presume will be satisfactory to all those who may please to favour them with their custom.

Pittsburgh, September 9, 1802.

Dobbins & M'Elhinny,

CABINET-MAKERS AND UPHOLSTERERS.

RESPECTFULLY *inform the Ladies and Gentlemen of Pittsburgh and the Public in general, that they carry on the above business at their house in Market-street, corner of Front-street, in all its various branches, and of a superior quality to any made here or imported.—They flatter themselves that their attention to business will merit the approbation of the public.*

Pittsburgh, September 8, 1802.

N. B. Fancy and inlaid work finished in the neatest manner. All kinds of Camp Furniture done on the shortest notice.

☞ *An Apprentice wanted.* 6w.

PROCLAMATION.

PUBLIC NOTICE *is hereby given to the Electors within the Counties of Allegheny, Beaver, Butler, Crawford, Mercer, Venango, Warren, and Erie, that an Election will be held at the several Election Districts within the Counties aforesaid, on the* second Tuesday *of* October *next, when and where they are to elect agreeably to law,*

One person as Governor of the State of Pennsylvania.

And one person for the Congress of the United States.

And further Notice is hereby *given, that the Electors for the Counties of Allegheny, Beaver, and Butler, are to elect as aforesaid,*

Three persons to Represent the Counties aforesaid in the House of Representatives of said State,

And one Commissioner.

Given under my hand at Pittsburgh, this seventh day of September, 1802, *and in the twenty-seventh year of the Independence of the United States.*

WILLIAM WUSTHOFF, Sheriff.

Sheriff's Sale.

BY *virtue of a writ of venditioni exponas issued out of the Court of Common Pleas, and to me directed, will be exposed to Sale at the Court-House in the Borough of Pittsburgh, on Monday the* 27*th of this instant, to wit.*

One part of a Lot No. 181, *in the Borough of Pittsburgh, with a Brick House thereon erected,* 22 *feet in front on Front Street. Taken in execution as the property of Samuel Creigh, at the suit of Israel and David Jones.*

WILLIAM WUSTHOFF, Sheriff.

Pittsburgh, September 7, 1802.

Sheriff's Sale.

BY *virtue of two writs of venditioni exponas issued out of the Court of Common Pleas of Westmoreland County, and to me as Sheriff of said County directed, will be exposed to Public Sale at the Court-House in the Borough of Greensburgh, on Tuesday the* 21*st day of September next,*

All the right, title and claim of Samuel Todd, in and to a certain Plantation and Tract of Land situate in Allegheny County, at the mouth of Long Run, adjoining the river Youghiogany, and lands of Fantly Muse and the heirs of James Peoples and others, including a Grist Mill at the mouth of the run. Taken in execution as the property of the said Samuel Todd, at the suit of the Administrators of William Neel, deceased, and to be sold by me,

JOHN BRANDON, Sheriff.

Greensburgh, August 31, 1802.

BY THIS DAY'S MAIL.

BOSTON, *August* 30.

Capt Wood, who arrived here on Saturday, has favoured us with Liverpool papers to the 17th of July, which, tho' many days later than before received, furnish nothing of a very interesting nature. A few extracts are however made from them:—

The negociation respecting the commercial regulations between France and England, are proceeding with activity, although it is scarcely to be expected to produce a commercial treaty, in the true and liberal sense of the words, as the French are very jealous of the trade and manufactures of the English.

The manufactures of Great Britain appear to have gained a new activity since the peace. In a letter which appears in one of the British papers, it is observed, "that orders flow in from every quarter of Europe, particularly Spain, Italy, &c. In the muslin line, there is a greater demand for goods than can be supplied."

Hostilities have broken out between the Russians and Persians, the former of whom have already penetrated into the province of Ghilan. Some violence offered to the Russians at Asterabat, is said to be the cause of these hostilities. Persia and European Turkey open a rich prospect to the desiring eyes of Austria, Russia and France.

The votes for continuing Bonaparte in the First Consulship for life have been generally returned; and a great proportion of them with the addition that he have the privilege of naming his successor.

Touissaint Louverture has arrived at Brest.

General Massena is among the richest individuals in Europe—He has at least 60cool. sterling per annum.

The famous French General Angereau is a native of Paris, and the son of a fruiterer. Though he has lately been disgraced pro forma, from the Consular Court, he possesses infinitely more of Bonaparte's confidence than any other chief of the army. It was he, who, at Lodi, pushed General Bonaparte into a ditch, while he was advancing at full gallop, to encounter the enemy at the head of his troops—"Stay there, said Angereau to him, what should we do if you were killed?"

Paris papers of the 3d of July assert, that a convention was signed on the 4th of June at Paris, between the French Minister for Foreign Affairs, and the Ministers of the principal Courts of Europe interested in the affairs of the indemnities.

NEW-YORK, *September* 2.

A rendezvous is open in this city for recruits for the Navy. The recruiting officers was very successful yesterday—a number of hearty fellows were seen following the enliving drum and fife, happy at the prospect of again serving their country.

WASHINGTON CITY, *September* 3.

The frigate New-York sailed yesterday at 10 o'clock, for Norfolk, on her way to the Mediterranean. She fired a salute of 16 guns, which was returned from the Navy-Yard.

PHILADELPHIA *September* 1.

OFFICIAL

Under the instructions of the Secretary of the Navy, Commodore Morris will employ constantly one frigate in conveying our outward bound merchantmen from Cadiz through the Straits, and another in conveying our homeward bound merchantmen from Malaga; and every convoy, when in the Gut, will have an additional protection. The distribution of the other frigates will, from time to time be such, as in the judgment of the Commodore, will afford the best protection to our commerce, and as will most effectually repress the predatory dispositions of its enemies.

Blank Declarations,

FOR SALE, AT THE BOOK-STORE OF

ZADOCK CRAMER,

PITTSBURGH.

THEY are for the use of the Professors of the Law, drawn by Collinson Read, Esq and settled and approved by the late Hon. the Chief Justice, and other distinguished legal characters; elegantly engraven on copper plate, bearing the semblance of fine writing. They are in sets of half a quire each, making in the whole, five quires. Price 10 Dollars.

The following are the kinds, viz.

1. *Debt on Bond.*
2. —— *by Assignee.*
3. —— *on Single Bill.*
4. —— *on Penal Bill.*
5. *Indebitatus Assumpsit.*
6. *Quantum Meruit.*
7. *Quantum Valebant.*
8. *On Promissory Notes.*
9. *Same by Indorsee.*
10. *Trespass and Ejectment.*

Also may be had, Blank Indentures, Blank Deeds of Conveyance, Summonses, Executions, Bonds, Blank Petitions and Declarations for those who wish to become naturalized to America and the Constitution.

Just opened for Sale an extensive assortment of Books and Stationary, Maps, Prints, Atlases, Charts, Drawing Books, &c &c.

☞ Subscriptions taken in for Mathew Carey's elegant Family Bible, now publishing in Philadelphia. August 30, 1802.

Came to the plantation of the subscriber, living in Pitt township, Allegheny county, a bright bay Mare FILLY, about two years old, 13 hands and an half high, has a small star in her forehead, no brand or mark perceivable. The owner is desired to come, prove property, pay charges, and take her away.

DANIEL M'MUNN.

August 18, 1802.

CAME to the town of Franklin, some time in April last, a Black HORSE, about 14 years old, 15 hands high, thickset, a long switch tail, one knobby long hair on his upper lip, he is now taken up by the subscriber, and the owner is desired to come, prove property, pay charges, and take him away.

MARCUS HULINGS.

Franklin, August 2, 1802.

LAND FOR SALE.

ABOUT one hundred and thirty acres of Land of excellent quality, the property of the Revd. Doctor Andrews, of Philadelphia, lying on the waters of Racoon creek, in Washington county, will be sold at Private Sale. Widow Andrews lives on it, and it joins the plantation of Samuel Scott, Esq. about twenty miles from Pittsburgh, on the great road to the Mingo Bottom, and near Bovington's Mill. For terms apply to the subscriber in Pittsburgh.

ALEXANDER ADDISON.

August 9 1802.

The Petitions, Certificates, &c. necessary for Aliens applying for Citizenship, may be had at the Printing-Office of the Pittsburgh Gazette.

To all whom it may concern.

WHEREAS my wife Agnes Gibbons has left my bed and board, and has behaved herself in an unbecoming manner by embezzling my property, this is to forwarn all persons from trusting her on my account, as I will pay no debts of her contracting.

JAMES GIBBONS.

George Town, August 11, 1802

WILLIAM CECIL,

At his House in Liberty Street, near the Market

MAKES and sells all kinds of Ladies Buck Skin and Plush Saddles; Gentlemen's Plain, Bar, Spring, and Inlaid Saddles, and Bridles of all descriptions; Saddle Bags, Portmanteaus, Valeces, Traveling Canteens, Holsters, Light Horse Caps, Fire Buckets, and every article in the Saddlery Line made in the neatest and most fashionable manner, and on the shortest notice.

He also makes Mattrasses of the best quality and on the most reasonable terms.

All kinds of Country Produce will be taken in payment for any of the above articles.

Pittsburgh, March 10. 1802.

N. B The highest price given for Cow Tail and Horse Hair. Apply as above.

CAME to the plantation of the subscriber, living in Broken Straw township, Crawford county, about the first week in June last, a grey MARE, about 6 years old, blind of the right eye, about 14 hands high, with some large mark. The owner is desired to come, prove property pay charges, and take her away.

DANIEL M'QUEY.

August 10, 1802.

NEW GOODS.

Abner & Jesse Barker,

Have just opened an extensive assortment of

MERCHANDIZE,

which they flatter themselves are laid in on such terms as will enable them to sell low and prove satisfactory to their friends and all who may please to favour them with their custom.

As usual, they have on hand, a very extensive assortment of superfine and common

Boulting Cloths,

warranted good. Also, BARR LEAD, &c. &c. all which they offer on reasonable terms by wholesale or retail.

Pittsburgh, July 15 1802.

N. B. Those indebted of long standing will oblige them by discharging the same.

Jeremiah Baker & Co

Have just received at their Store in Market street, a large assortment of

GOODS,

suitable for the present season, among which are a quantity of

Irish Linnens,

and a very handsome assortment of

India and British Muslins.

Also, Superfine and Coarse CLOTHS, all of which they are determined to sell, wholesale and retail, at the most reduced prices.

They have a quantity of COFFEE to sell by the barrel very low.

Pittsburgh, June 30. 1802.

ISAAC GREGG,

Is just receiving at his Store in Market Street, a fresh and handsome assortment of

SPRING GOODS,

which he is determined to dispose of at the most reduced prices.

He will have an excellent assortment of SUPERFINE and other CLOTHS

N. B. Linnen, Work'y, Beeswax, &c. will be received in payment.

Pittsburgh, June 16, 1802.

NEW STORE.

DAVID EVANS,

Is just opening in the house lately occupied by Doctor Stevenson, in Market Street, next door to Messrs. Scott and Trotter's Store, a large and handsome assortment of

FRESH GOODS,

which he is determined to sell at the most reduced prices for Cash, or approved of Country Produce.

Pittsburgh, May 3, 1802.

N. B. The highest price will be allowed for good Country Linen.

Thirty Dollars Reward.

RANAWAY from the subscriber living near Shippensburgh, in Cumberland county, on Saturday evening the 7th instant, a negro man named LEVI, about 35 years of age, 5 feet 10 or 11 inches high, a Miller by trade, inclines to play on the fiddle, had on and took with him one grey broad cloth coat with pewter or lead buttons, one scarlet broad cloth jacket, one clouded nankeen or callico ditto, three pair of trowsers, one clouded nankeen, one red striped and one country tow linnen, one common hat, two fine linnen shirts, one of them ruffled at the bosom, one muslin shirt, one pair calf skin shoes; he is of a pleasant countenance, has a scar above one of his eyes, and is supposed to have a pass. Whoever takes up the said Negro man and secures him in any jail in the United States, shall have the above reward, or the same if brought home and reasonable charges

JOHN M'CUNE.

Southampton township, Cumberland county, Pennsylvania, August 9, 1802.

FOR SALE,

The following DONATION LANDS, *to wit.*—

Fourth District.—No. 633, 685, 705, 714, 798, 820, 668, 673, 695, 819, 67.

Fifth District.—No. 888, 1024, 90, 953, 1031.

Sixth District.—No. 124, 1123, 1148, 1164 1191, 1192, 1252, 1283, 1249.

Seventh District.—No. 1320, 1323, 1332, 1355, 1498.

Eighth District.—No. 1550, 1605. 1702, 1703, 1566, 1582, 1628.

Tenth District.—No. 2100.

Any person incining to purchase any of the above Tracts of Land, may known the terms of sale by applying to the subscriber living in Fort Franklin.

ALEXANDER M'DOWELL.

June 21, 1802.

Just received and for Sale, By

JAMES BERTHOUD,

At his Stores in Front and Market Streets, *Wholesale and Retail.*

A fresh and handsome assortment of

DRY GOODS,

Amongst which are a variety of the most fashionable

DARK and light chintzes
Cambric and fine calicoes
Furniture cottons
Plain, striped, lapped tambured printed & coloured muslins
Cambrics and laces
Gauzes & durants
Irish, Flemish and German linnens
Dowlas & Russia sheetings
Russia duck and ticklenburghs
Cotton & linnen checks
Silk, cotton and muslin shawls
Wide & narrow crape
Mens and womens cotton and silk hose
Flag and pullicat bandanoes
Sattin and figured mantua ribbons
French and Canton fans
Boulting cloths from No. 1 to 12, warranted good
Oil cloths
Umbrellas
Boys and mens hats
Hatters trimmings, &c. &c. &c.

Also, a quantity of Looking Glasses from 6 to 30 inches—an assortment of Ironmongery, London Powder, China and Queensware.

Madeira and Sherry Wines. Claret in bottles Jamaica Spirits, 4th proof Brandy, Imperial Young Hyson, Hyson and Bohea Teas, Coffee Sugar, Capers, Olives, Almonds, Raisins, &c.

On hand a quantity of Pig and Bar Lead.

Pittsburgh, 5th August, 1802.

PROPOSALS

By G. F. HOEKINS, No. 118, Pearl Street, New York, for printing by subscription,

The Historical Works of the Late WILLIAM ROBERTSON, D. D. F. R. S. E

In seven volumes octavo.

To which will be prefixed, an account of the Life and Writings of the Author,

By DUGALD STEWART,

Read before the Royal Society of Edinburgh.

CONDITIONS.

I. As soon as 300 names appear in support of the undertaking, the first volume shall be put to press.

II. The work shall be uniformly printed on a fine thick medium paper, and a volume delivered to subscribers every two months, who must pay for the same on the receipt thereof.

III. The price to subscribers will be one dollar and seventy five cents each volume in boards, or two dollars handsomely and substantially bound and lettered. To non subscribers the price will be considerably increased.

IV. Those who procure ten subscribers, and become accountable for the same, shall have an eleventh gratis.

V. A liberal allowance will be made to booksellers who subscribe for a number of copies.

☞ *Subscriptions received at the Office of the Pittsburgh Gazette.*

FOR SALE,

The following TRACTS of LAND, viz.

IN the Fifth District of Pennsylvania Donation Land, Lot No. 208 containing 200 acres and allowance. This land is of the best quality for soil, timber and water, it is in a good settlement, lying on the Franklin road 38 miles from Pittsburgh.

Two Tracts of Land lying on the waters of Sandy creek, one of them has an improvement of about 30 acres, well cleared and fenced; the other has about five acres, log rate house and, under good improvement, with good orchards and fruit trees, and good well water.

Also, two Tracts of Land lying within three miles of Franklin, with [illegible] said tracts and five on the [illegible] fenced, for cultivation, [illegible] and have good orchards and [illegible].

Indisputable title will be given. For further particulars enquire of the owner residing in Franklin.

EDWARD HALE.

June 10, 1802.

One Hundred Dollars Reward

WILL be given to the first Discoverer of a bed of [illegible] fit to answer the purposes of making Sliding Pans for the Pittsburgh Glass Works, within one hundred miles of this place on the Monongahela, Allegheny, and Ohio rivers, and within ten miles of either river, to be determined by the Glass makers. The Clay for this purpose is found in the beds of rivers or creeks, or in low lands, the best colour is white, though white mixt with red or blue stripes will answer the purpose. Any person producing a specimen that will stand well in the fire and the bed from whence it came appearing to contain fifty tons, shall be entitled to the above Reward from the proprietors of the Glass Works.

O'HARA & CRAIG.

Pittsburgh, May 20, 1802. tf.

Lead and Shot,

A quantity in Bags and Boxes,

FOR SALE, BY

WILLIAM CHRISTY.

Pittsburgh, August 26, 1802.

FOR SALE.

A Two Story BRICK HOUSE, fronting Second Street, near the corner of Market Street, now occupied by Steel Semple, Esq. The House is very commodious and well finished, there is also an excellent Kitchen with other necessary buildings. The terms will be made easy to the purchaser. For further particulars apply to

ABNER & JESSE BARKER.

August 24, 1802.

Peter Kintner,

SADDLER,

RESPECTFULLY informs the Ladies and Gentlemen of Pittsburgh and its vicinity, that he has just received from Philadelphia a general assortment of Saddlery of the best and newest fashion; he hopes by his attention to business, and using the best materials, to merit the approbation of those who may favour him with their custom.

Pittsburgh, August 26, 1802.

N. B. Those indebted to him will please call and settle their accounts.

Twenty Dollars Reward.

STOLEN from the door yard of the subscriber living in St. Clair township, Allegheny county, in the night of the 20th inst. the following articles, viz. 4 sheets 2 large diaper table cloths, 1 dimity ditto, 5 diaper towels, 2 fine shirts, 2 coarse ditto, 3 shifts, 2 muslin pillow cases, 2 coarse ditto, 1 bolster case, 1 dimity short gown, 1 callico ditto, 2 check ditto, 1 pair cotton stockings. The above articles are marked with N. P. some H. P. some M. I and some N. I. Whoever takes up and secures the thief or thieves so that they may be brought to justice shall receive Ten Dollars Reward, and for the articles stolen Ten Dollars, and in proportion for any of them, paid by

NATHANIEL PLUMMER.

August 26, 1802.

A Boat Yard,

IS established by the subscribers, at the Widow Craig's Ferry on the Monongahela river, 9 miles from Pittsburgh, where persons descending the Ohio may be supplied with Keel or Flat Boats, of any dimentions, at a short notice, and at a reasonable price. Being perfectly acquainted with the business, those who may purchase from them may depend on having substantial and well built Boats of the best materials.

BROWN & CRAIG.

August 23. 1802.

N. B. Ships Boats of all dimentions and built in the compleatest manner may be had at the above Yard, and Boats of all kind repaired at the shortest notice.

FOR SALE.

NINE HUNDRED Acres of Land of a good quality, situate on Pine creek, on the west side of the Allegheny river, about nine miles from Pittsburgh. This Land is held by actual settlement, and free from any dispute. There is a most excellent Mill seat, and the stream is equal to any in the country, and does not fail during the summer. The price will be reasonable, and the payments made easy. An indisputable title will be given. For further particulars apply to

WILLIAM DUNNING.

Pittsburgh, May 13, 1802.

NOTICE.

WHEREAS the subscriber purchased an undivided half part of a Tract of Land from a certain Thomas Harrison, and in part consideration of which gave him three bonds for ten pounds each, payable yearly from September or November next; and whereas the said Thomas Harrison has, either through negligence or design, not complied with his agreement, I thereforewarn all persons from taking an assignment of said bonds, as I will not pay them until he fulfils his agreement with me.

JAMES HARRISON.

Versailles township, Allegheny county, August 9, 1802.

Came to the plantation of the subscriber, about the 1st of July last, living one mile from Noblestown, on Robinson's Run, a dark bay HORSE, about 15 hands high, 5 or 6 years old, has a small star in his forehead, no brand perceivable, a natural trotter. The owner is desired to come, prove property, pay charges and take him away.

HENRY STURGEON.

August 7, 1802.